

REMARKS

Examiner Interview

Applicant thanks the Examiner for the courtesy extended Applicant's representative in a personal interview on December 9, 2003. The amendments and remarks herein are consistent with the discussion during that interview.

Status of the Amendments

Initially, please note that the previous paper filed by Applicant erroneously omitted some language (notably the word "rugged" in the second sub-paragraph) from pending Claim 6. Applicant submits the status of Claim 6 prior to the present amendment is accurately reflected by the Preliminary Amendment filed on January 26, 2001, simultaneously with the filing of the present continuation application. The present amendment reflects changes to the language presented in the Preliminary Amendment.

Rejections Under 35 U.S.C. § 102(e)

The additional amendments proposed herewith clarify that the electrode structure is formed as a "rugged" silicon electrode structure *prior* to the replacing step. Applicant submits that the amendments are fully supported by the application as filed. Furthermore, the skilled artisan will appreciate that the amendments are not narrowing, as they merely clarify a sequence clearly implicit in the claims prior to amendment.

Applicant respectfully submits that the newly cited Sekine et al. reference (U.S. Patent No. 5,622,888) does not disclose formation of any rugged silicon structure prior to the replacing step. Rather, it is the replacing step itself that forms a rugged structure, such that there is no rugged silicon structure prior to replacing. The phosphorous-doped amorphous polysilicon electrode 2 is illustrated as not having a roughened surface in Figure 3A. It is only after the replacement reaction and deposition of the tungsten layer 73a that any roughness shows up, in Figure 3B. See Col. 5, ll. 15-35.

Furthermore, unlike added dependent Claims 26, and 28-30 the rugged structure does not have a "hemispherical grain morphology," but rather discloses only that the metal takes on "a minute coarse distribution" 73a (Col. 5, ll. 34-35).

Appl. No. : 09/770,540
Filed : January 26, 2001

Request for Reinstatement of Withdrawn Claims

As noted in the Office Action dated July 18, 2001, Applicant timely traversed the Restriction Requirement between Group I (Claims 1-5, drawn to a method of forming a textured metal structure) and Group II (Claims 6-12 and 20-24 now cancelled, drawn to a method of fabricating a capacitor).

As noted in Applicant's prior traversal in a Response mailed July 5, 2001, both of Groups I and II were examined in the same application in a parent case. This indicates no undue burden upon the Examiner to search for both sets of claims at the same time. Furthermore, as will be apparent to the Examiner, the distinctions over the prior art are the same whether the scope is directed to forming a rugged metal structure or forming a capacitor. Accordingly, Applicant respectfully requests reinstatement of withdrawn Claims 1-5.

Added Claims

Applicant has previously deleted Claims 20-24 with the understanding that Claims 6-12 were allowed and deletion of Claims 20-24 would facilitate allowance. In view of the withdrawal of the allowance for citation of new prior art, Applicant has once again added Claims 25-29, having the same scope of previously cancelled Claims 20-24, with the exception that Claim 25 has more particularly recited the sequence of forming a rugged silicon electrode first and then replacing silicon in the rugged silicon electrode structure with metal. Additionally, the order of the claims has been rearranged and Claim 30 is a new dependent claim.

As noted above, newly cited reference Sekine does not teach this sequence of processing, whereby rugged silicon is formed prior to the replacement reaction. Accordingly, Applicant respectfully submits that Claim 25 and dependent Claims 26 and 27 are similarly allowable over the art of record. Claims 1 and 6 for similar reasons as discussed above with respect to Claims 1 and 6.

Appl. No. : 09/770,540
Filed : January 26, 2001

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the claims would be in condition for allowance and respectfully requests the same. If, however, some issue remains that the Examiner feels can be addressed by Examiner Amendment, the Examiner is cordially invited to call the undersigned for authorization.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 15, 2003

By: Adeel S. Akhtar
Adeel S. Akhtar
Registration No. 41,394
Attorney of Record
Customer No. 20,995
(415) 954-4114

W:\DOCS\ASA\ASA-15078.DOC
120303